IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 830 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/01/2004 in WP NO.14535 OF 2002 on the file of the High Court.)

Between:

K.Ramachandra Murthy,
H.No.2-2-1136/4, New:148, New Nallakunta, Opp: Post Office,
Hyderabad- 500 044. **..... APPELLANT**

AND

1.Presiding Officer, Labour Court-I, Hyderabad
2.Managing Director, M/s East India Pharm Works Ltd.
Calcutta.
3.Incharge, Branch Manager, M/s East India Pharm.Works Ltd.
Hyderabad. **.....RESPONDENTS**

Appeal filed by the appellant praying that this Hon'ble Court may be pleased to set aside the order passed in W.P.NO.14535 of 2002 on 6-1-2004 by the learned Single Judge of this Hon'ble Court and pass such further order or other orders as this Hon'ble Court deems fit and proper in the interest of Justice.

Counsel for the Appellant: PARTY-IN-PERSON

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondents No.2 & 3: K.SRINIVASA MURTHY.

The Court made the following :

JUDGMENT: (PER BN, J)

Admittedly the petitioner did not work from 1-5-1991 till 31-7-1996. The crux of the matter is that the petitioner had been transferred in May, 1991 to Calcutta, but he did not report at Calcutta. Several proceedings were initiated before the authorities under the Industrial Disputes Act, and also in the High Court, but the fact of the matter is that the order transferring the petitioner to Calcutta always remained effective and the petitioner did not join. On the date when he could have retired from service, the respondents treated him as retired and paid him the terminal benefits.

The only ground agitated before this Court and before learned single Judge was that since he was treated to be retired on 31-7-1996, therefore, it could be presumed that he was in service till that date. The respondents have, already being nice to the petitioner, took him to be in service up to 31-7-1996 and paid him the terminal benefits like Gratuity etc., but that would not entitle the petitioner to claim the salary for a period for which he admittedly did not do any job. The respondents cannot be asked to pay further premium for being nice to the petitioner.

We do not find any ground to interfere with the order of the learned single Judge and the Appeal is accordingly dismissed. No costs.

(Bilal Nazki, J)

2nd August, 2004

(S.Ananda Reddy, J)

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To

1.Presiding Officer, Labour Court-I, Hyderabad
2.Managing Director, M/s East India Pharm Works Ltd.
Calcutta.
3.Incharge, Branch Manager, A.Ranganayakulu, M/s East India Pharm.Works Ltd.,
No.148-150,

Industrial Development Area, Mallapur,
Hyderabad.

4.Two CCs to the Government Pleader for Labour,

High Court of A.P., Hyderabad. (OUT)

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